

ORDINANCE NO. 3493

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CREATING RETAINING WALL REQUIREMENTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997 (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Unified Development Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the offices of the Asheville Planning and Development Department (herein "Official Zoning Maps"); and

WHEREAS, the Asheville City Council has determined following a public hearing on June 19, 2007, that it is in the interest of the public health, safety and welfare to amend certain provisions of the Unified Development Ordinance to create retaining wall requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Code of Ordinances of the City of Asheville is amended by adding a new Section 7-10-5 to read:

"Section 7-10-5. Retaining walls.

Retaining walls in excess of eight feet in height shall be faced with natural or artificial stone, brick, form-liner art or patterns, or vegetation in order to avoid a stark appearance. Foreground landscaping or attached vegetative screening of retaining walls or retaining wall sections over six feet in height and closer than 35 feet to a public or private street shall also be required in accordance with the following standards. Foreground landscaping or attached vegetative screening in accordance with the following standards shall also be required for any retaining walls or retaining wall sections over 20 feet in height regardless of location relative to a public or private street. Attached vegetative screening shall consist of stainless steel other approved vine supports structurally integrated into the wall to support vine planting from the approved species list for such applications. Foreground landscaping or attached vegetative screening may be considered part of any required buffer, as applicable. Retaining walls 15 feet or less in height shall be exempted from the foreground landscaping or attached vegetative screening requirements if faced with natural or artificial stone.

Terracing of retaining walls is allowed and encouraged, provided that no single retaining wall shall exceed 20 feet in height and each successive wall shall be setback at least five feet from the face of the lower wall. The application of foreground landscaping or attached vegetative screening shall be based on the cumulative height of the terraced walls except that a one level reduction in required landscaping from the following table shall be allowed.

Retaining Wall Height	Required Foreground Landscaping or Vegetative Screening (Either/Or)	
	Minimum Required Foreground Landscaping	Minimum Required Attached Vegetative Screening
>6-10 feet	5 foot wide planting strip at wall base with 3 gallon-sized bushes planted 5 feet on center	5 foot wide planting strip at wall base with attached vegetative screening supports covering 50% of wall face and plantings consisting of 2 gallon-sized vines planted 3 feet on center
>10-20 feet	5 foot wide planting strip at wall base with 3 gallon-sized bushes planted 5 feet on center plus 1 small maturing tree for every 30 linear feet	5 foot wide planting strip at wall base with attached vegetative screening supports covering 50% of wall face and plantings consisting of 2 gallon-sized vines planted 3 feet on center
>20 feet-30 feet	8 foot wide planting strip at wall base with 3 gallon-sized bushes planted 5 feet on center plus 1 small maturing tree for every 30 linear feet	5 foot wide planting strip at wall base with attached vegetative screening supports covering 60% of wall face and plantings consisting of 2 gallon-sized vines planted 3 feet on center
>30 feet	10 foot wide planting strip at wall base with 3 gallon-sized bushes planted 5 feet on center plus 1 large maturing tree for every 40 linear feet	5 foot wide planting strip at wall base with attached vegetative screening supports covering 75% of wall face and plantings consisting of 2 gallon-sized vines planted 3 feet on center

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

Read, approved, and adopted this 19th day of June, 2007.



City Clerk



Mayor

Approved as to form:



City Attorney